



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

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In Reply, application of:

Chewning, et al.

Serial No.: 09/649,478

Filed: August 28, 2000

For: Method and Systems of Network Management

Confirmation No.: 8425

Group Art Unit: 2665

Examiner: Han, Clemence S.

Docket No.: 190252-1250

INFORMATION DISCLOSURE STATEMENT

RECEIVED

APR 13 2004

Technology Center 2600

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

Sir:

This information disclosure statement is filed in accordance with 37 C.F.R. §§ 1.56, 1.97, and 1.98, and specifically:

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under 37 CFR 1.97(b), or

(within Three months of filing national application; or date of entry of international application; or before mailing date of first office action on the merits; whichever occurs last)

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under 37 CFR 1.97(c) together with either a:

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Statement Under 37 C.F.R. 1.97(e), or

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a \$180.00 fee under 37 CFR 1.17(p), or

(After the CFR 1.97(b) time period, but before the final office action or notice of allowance, whichever occurs first)

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under 37 CFR 1.97(d) together with a:

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Statement under 37 CFR 1.97(e), and

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a \$180.00 petition fee set forth in 37 CFR 1.17(p).

(Filed after final office action or notice of allowance, whichever occurs first, but before payment of the issue fee)

Enclosed is a check in the amount of \$

Enclosed is Credit Card Payment Form (PTO-2038) in the amount of \$180.00.

Please charge \$ to deposit account . At any time during the pendency of this application, please charge any fees required to Deposit Account 20-0778 pursuant to 37 CFR 1.25. The Commissioner is hereby requested to credit any overpayment to Deposit Account No. 20-0778.

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Applicant(s) submit herewith *Form PTO 1449A - Information Disclosure Statement by Applicant* together with copies (where required) of patents, publications or other information of which applicant(s) are aware, which applicant(s) believe(s) may or may not be material to the examination of this application and for which there may be a duty to disclose in accordance with 37 CFR 1.56. As required by 37 C.F.R. § 1.98(a), a legible copy of each document is provided.

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A concise explanation of the relevance of foreign language patents, foreign language publications and other foreign language information listed on PTO Form 1449, as presently understood by the individual(s) designated in 37 CFR 1.56(c) most knowledgeable about the content is given on the attached sheet, or where a foreign language patent is cited in a search report or other action by a foreign patent office in a counterpart foreign application, an English language version of the search report or action which indicates the degree of relevance found by the foreign office is listed on the form PTO 1449 and is enclosed herewith.

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The following rights are reserved by the Applicant(s): the right to establish the patentability of the claimed invention over any of the listed documents should they be applied as reference, and/or the right to prove that some of these documents may not be prior art, and/or the right to prove that some of these documents may not be enabling for the teachings they purport to offer.

The cited reference refers to a period of experimental activity that at least partially occurred before August 27, 1998, which is one year prior to the filing date of the provisional application of August 27, 1999. One significant determinative factor in questions of experimental purpose is the extent of supervision and control maintained by an inventor over an invention during an alleged period of experimentation. The claimed invention was always under such supervision and control, and the "customers" referred to in the document were the internal users of BellSouth. No external customers used the claimed invention during the experimental use activity. Additionally, the claimed invention was not released for official commercial use before August 27, 1998. Therefore, 35 U.S.C. §102(b) does not apply to the cited reference.

This statement should not be construed as a representation that an exhaustive search has been made, or that information more material to the examination of the present application does not exist. Any statements or identifications regarding the relevance of any portion(s) of cited references should not be construed as a representation that the most relevant portion(s) have been identified, and the absence of such statements or identifications should not be construed as representations that there are no relevant portion(s). The Examiner is specifically requested not to rely solely on the materials submitted herewith. The Examiner is requested to conduct an independent and thorough review of the documents, and to form independent opinions as to their significance.

It is requested that the information disclosed herein be made of record in this application and that the Examiner initial and return a copy of the enclosed PTO-1449 to indicate the documents have been considered.

Respectfully Submitted,

**THOMAS, KAYDEN, HORSTEMEYER  
& RISLEY, L.L.P.**

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